

### **REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-15 are pending in the application.

With regard to the InfiniBand™ Protocol specification submitted as an Appendix to the Amendment filed on December 21, 2007, per the Examiner's suggestion, form PTO/SB/08A is attached listing this specification as "InfiniBand™ Architecture Volume 1, Release 1.0, October 24, 2000". It is requested that the Examiner initial and return form PTO/SB/08A. The IDS fee of \$180 is also enclosed. During a telephone call with the Examiner on June 19, 2008, the Examiner indicated that a second submission of this 880 page document is not required.

Claims 1-2, 7-8, 10-12 stand rejected under 35 USC 103(a) as being unpatentable over Benayoun in view of Fan. This rejection is respectfully traversed.

Claim 1 recites, selecting by the network manager a tag size, as a prescribed number of bits, of an address field of a network to be used for switching data packets traversing the network, based on a number of the detected network nodes, and configuring by the network manager each network switch of the network to switch each of the data packets based on a corresponding switching tag, added to a start of the corresponding data packet and the switching tag having the selected tag size of the address field, without altering the content of the header. Independent claims 7 and 10 have similar features.

The Examiner concedes that Benayoun does not disclose "detecting nodes on a network by a network manager and selecting a size of address fields to be used for switching data packets traversing the network based on a number of the detected network nodes." The Examiner contends that Fan teaches detecting nodes on a network by a network manager and selecting size of address fields to be used for switching data packets traversing the network based on a number of the detected network nodes. The Examiner states that it would have been obvious to add detecting nodes on a network by a network manager and varying the size of the address to the tag size of Benayoun. Applicant disagrees.

First, Fan does not disclose selecting by the network manager a tag size, as a prescribed number of bits, of an address field of a network to be used for switching data packets traversing the network, based on a number of the detected network nodes. In Fan, the “tag size” or address type (long or short) is chosen for certain classes as of traffic passing between devices in a virtual network under certain conditions (see column 5, lines 40-57 of Fan). The number of nodes is not relevant to selecting address type in Fan, since each node forwards the packet until it reaches the destination node, where the short destination address matches the short address of the node (column 6, lines 57-60 of Fan).

At page 6, line 11, the specification recites:

Once all the network nodes have been detected, the controller 38 of the master subnetwork manager 30 selects in step 66 the size of the address fields (X) to be used for switching data packets **based on the number (N) of detected network nodes**. For example, the controller 38 determines the size of the address fields (X) based on the addressable range, where  $X = \text{INT}(\log_2(N)) + 1$ . (emphasis added)

There is no disclosure in Fan of selecting the address type (long or short) based on a number of the detected network nodes as claimed.

Secondly, Fan teaches that “the long addresses in the packet header are replaced by the corresponding short addresses, and the address type (long or short) is identified in the header” (column 6, lines 49-52); hence, “the packet with the shortened header is then forwarded to the destination node within the virtual address using the short address” (emphasis added, col. 6, lines 55-57).

If Fan were combined with Benayoun in the manner suggested by the Examiner, the routing header added by the switch in Benayoun would be replaced with a single byte short address as taught by Fan, indicating address type. This does not teach or suggest the claimed feature of configuring by the network manager each network switch of the network to switch each of the data packets based on a corresponding switching tag, added to a start of the corresponding data packet and the switching tag having the selected size of address fields,

without altering the content of the header. In fact, Fan teaches away from what is claimed. Replacing a long address with a short address as in Fan alters the content of the header and cannot be considered to be adding a tag to a start of a data packet without altering the content of the header. "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-126 (Rev. 6, Sept. 2007) (*citing W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984))(emphasis in original). Thus, the rejection is improper and should be withdrawn.

Claims 3-6, 9, 13-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun in view of Fan and further in view of Chui. These claims depend from independent claims and are considered to be allowable for the reasons advanced above, and for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-512, and please credit any excess fees to such deposit account.

Respectfully submitted,

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